

**REMARKS**

Claims 1-28, 34, 35, 40, 41 and 45-47 are pending in this application. By this Amendment, claims 45-47 are added, claims 1, 2, 4, 5, 8, 14, 22-28, 34-35, 40 and 41 are amended, and claims 29-33, 36-39 and 42-44 are cancelled without prejudice to or disclaimer of the subject matter contained therein. No new matter has been added. Reconsideration of the application is respectfully requested.

Claims 1-16, 18, 22-24 and 41-43 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,146,604 to Takada. The rejection of claims 42 and 43 has been rendered moot by the cancellation of claims 42 and 43. The rejection of the remaining claims is respectfully traversed for at least the following reasons.

With regard to claims 1-16, 18, 22, 23 and 41, Applicant submits that Takada fails to disclose or suggest the combination of features recited in each of independent claims 1, 22 and 41 including, *inter alia*, a controller (or step) that controls a storing condition for each image provider by designating, based on the history of use or the history of orders, at least one of an amount of memory space that each image provider may utilize or a number of digital image data each image provider may store in the memory.

Takada discloses a controller 6 which is connected to electronic file units 2a and 2b which transmit and receive image information D to and from the controller 6 and store the image information D in a memory medium (col. 2, lines 17-28). The memory medium used in file unit 2a is of write-once type and the memory medium used in file unit 2b is of erasable type (col. 2, lines 30-33) and the files are maintained such that all the image information D is stored in a memory medium used in file unit 2a, and of the image information stored in file unit 2a, the more frequently used image information is also stored in file unit 2b such that more frequently used image information can be accessed quicker. Further, the number of image data D which is stored in the memory medium used in file unit 2b is controlled by the

controller 6 in order to prevent excessive accumulation of image information D therein and to help prevent a reduction in searching speed. Therefore, in Takada, the controller 6 controls the information filing apparatus such that more frequently used image information D is stored in both the electronic file units 2a and 2b, while the less frequently used image information D is only stored in electronic file unit 2a. Nowhere does Takada disclose or suggest a controller that controls a storing condition for each image provider, as recited in independent claims 1, 22 and 41.

With regard to independent claim 24, for the reasons discussed above with regard to independent claims 1, 22 and 41, Applicant submits that Takada also fails to disclose or suggest the combination of features recited in claim 24 including, *inter alia*, a recorder that records a history of use, the history of use including a total number of orders for all the image data provided by each of the plurality of image providers.

For at least these reasons, Applicant submits that Takada fails to disclose or suggest all the features of independent claims 1, 22, 24 and 41 as well as all the features of claims 2-16, 18 and 23, which depend therefrom. It is respectfully requested that the rejection be withdrawn.

Claims 17, 19, 20, 21, 29 and 44 are rejected under 35 U.S.C. §103(a) over Takada in view of U.S. Patent No. 6,421,141 issued to Nishikawa. The rejection of claims 29 and 44 has been rendered moot by the cancellation of claims 29 and 44. The rejection of the remaining claims is respectfully traversed for at least the following reasons.

Applicant submits that claims 17, 19, 20 and 21 are at least allowable for the reasons discussed above with regard to independent claim 1 from which they depend. In particular, it is submitted that Nishikawa fails to overcome the deficiencies of Takada as applied to claim 1. For at least these reasons, Applicant submits that the combination of Takada and

Nishikawa fails to disclose or suggest all the features of claims 17, 19, 20 and 21. It is respectfully requested that the rejection be withdrawn.

Claims 24-28 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,509,900 issued to Ohsawa et al. (hereinafter "Ohsawa"). The rejection is respectfully traversed for at least the following reasons.

Applicant submits that Ohsawa fails to disclose or suggest the combination of features recited in independent claim 24 including, *inter alia*, a recorder that records a history of use, the history of use including a total number of orders for all the image data provided by each of the plurality of image providers.

As stated on page 6 of the Office Action, step S205 of Ohsawa is a block of programming which acts as a recorder for recording the popularity of a given image which has been requested for retrieval. Applicant submits that nowhere does Ohsawa disclose or suggest a block of programming or a recorder which records a history of use which includes a total number of orders for all the image data provided by one of a plurality of image providers. For at least these reasons, Applicants submits that Ohsawa fails to disclose or suggest all the features of claims 24 and 25-28, which depend from claim 24. It is respectfully requested that the rejection be withdrawn.

Claims 29-40 are rejected under 35 U.S.C. §103(a) over Ohsawa in view of Nishikawa. The rejection of claims 29-33 and 36-39 has been rendered moot by the cancellation of claims 29-33 and 36-39. The rejection of the remaining claims is respectfully traversed for at least the following reasons.

Applicant submits that the combination of Ohsawa and Nishikawa fails to disclose or suggest the combination of features recited in each of independent claims 34, 35 and 40 including, *inter alia*, proposing a plurality of groups of optional digital image data or elements for selection by a plurality of users and accepting the selections. Applicant submits

that the object of Ohsawa is to provide an image management apparatus which increases the cache hit ratio of a requested image and shortens the users average waiting time (abstract), and thus in Ohsawa, the user specifically requests an image and no images are proposed to a user. Further, because no images are proposed to a user, a user may not accept and/or make a selection from proposed data or elements. Accordingly, nowhere does Ohsawa disclose or suggest the steps of proposing a plurality of groups of optional digital image data or elements or accepting selections of the digital image data or elements by each user.

Applicant submits that Nishikawa fails to overcome the deficiencies of Ohsawa, as applied to claims 34, 35 and 40. Applicant submits that the object of Nishikawa is to provide an image processing apparatus which can reproduce a color in a displayed image (col. 2, lines 31-32) by providing a color palette control mode 511 and a printer selector 515 which selects one printer to be used in the system from among a plurality of drivers in a printer driver group 519 (col. 10, lines 31-42). Nowhere does Nishikawa disclose or suggest proposing a plurality of groups of optional digital image data or elements and accepting a selection of the proposed optional image data or elements by a user. For at least these reasons, Applicant submits that the combination of Ohsawa and Nishikawa fails to disclose or suggest all the features of claims 34, 35 and 40. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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